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**OFFICE OF PETITIONS**

In re Application of :  
Richard L. Barrett : DECISION ON PETITION  
Application No. 10/052,732 : UNDER 37 CFR 1.137(f)  
Filed: 11 January, 2002 :  
Attty Docket No. M-12044 Us :  
:

This is a decision on the petition under 37 CFR 1.137(f), filed on 11 July, 2003, which is being treated as a petition filed under 37 CFR 1.137(b) to revive the above identified nonprovisional application.

The petition is **GRANTED**.

The above-identified application became abandoned pursuant to 35 USC 112(b)(2)(E)(iii) for failure to timely notify the United States Patent and Trademark Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by the following: (1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty; (2) the petition fee as set forth in 37 CFR 1.17(m); and, (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The present petition is in compliance with the requirements of

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<sup>1</sup> The mailing of a petition under this section will not result in abandonment of the application if timely filed by the Commissioner of Patents and Trademarks.

37 CFR 1.137 f). Accordingly, applicant's failure to notify the Office timely of a foreign filing within 45 days as provided by 35 USC 122(b)(2)(B)(iii) is accepted as an unintentionally delayed. A review of Office records indicates that this application was published on 24 July, 2003, as a result of applicant filing a Request to Rescind Previous Nonpublication Request on 22 January, 2003.

There is no indication that a reply to the Office action under *Ex parte Quayle*<sup>2</sup> of 19 March, 2003, has been filed. Accordingly, a shortened statutory period of TWO (2) months for reply to the Office action of 19 March, 2003, is restarted with the mailing date of this decision. Extensions of time pursuant to the provisions of 37 CFR 1.136(a) are permitted. Failure to timely reply within the period restarted by this decision will result in the abandonment of this application.

Any inquiries concerning this decision may be directed to the undersigned at (703) 308-6918.

This application is being forwarded to Technology Center Art Unit 1753 to await a reply to the Office action, the period of which is restarted to run from the mailing date of this decision on petition as noted above.

*D. Wood*  
Douglas Wood  
Senior Petitions Attorney  
Office of Petitions

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<sup>2</sup>35 U.S.C. 132, 433 U.S. 114.